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10	, A D MADE OF A FEED DAGED AGE GOVED.
11	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA
12	SAN JOSE DIVISION
13	THE FACEBOOK, INC. and MARK   Case No. 5:07-CV-01389-JW
14	ZUCKERBERG,
15	Plaintiffs,
16	v. DECLARATION OF EVAN A. PARKI IN SUPPORT OF CONNECTU, INC.
	CONNECTU, INC. (formerly known as CIVIL L.R. 6-3 TO SHORTEN TIME
17	CONNECTU, LLC), PACIFIC NORTHWEST SOFTWARE, INC., WINSTON WILLIAMS,
18	and WAYNE CHANG,
19	Defendants.
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PARKE DECLARATION IN SUPPORT OF ADMINISTRATIVE MOTION TO SHORTEN TIME 5:07-CV-01389-JW

## I, Evan A. Parke, declare as follows:

- 1. I am an associate with the law firm of Boies, Schiller & Flexner LLP, counsel for ConnectU, Inc. ("ConnectU"). I am licensed to practice law in the State of Illinois and in the District of Columbia and am appearing in this case per an order of the Court granting my application to appear *pro hac vice*. I have personal knowledge of the facts and circumstances in this Declaration.
- 2. The underlying motion is ConnectU's Motion to Stay Execution of Judgment Pending Appeal. This motion seeks an immediate stay of the execution of the Judgment to protect ConnectU's appeal rights and avoid related harm, including harm to its malpractice claims against its former counsel Quinn Emmanuel and harm to its third party guarantor, Howard Winklevoss, who guaranteed payment of Quinn's fees if ConnectU does not pay them.
- 3. By its terms, the Judgment requires the parties to provide dismissals of all cases and deposit the cash and stock required to be exchanged under the provisions of the Term Sheet & Settlement Agreement with a Special Master by August 4, 2008. Docket No. 476 at 1-4. On July 25, 2008, Neel Chatterjee, counsel for Facebook, sent an email to Mike Underhill, counsel for ConnectU, representing that "Facebook intends to seek release of the [ConnectU] shares once the consideration is in the hands of the Special Master." An accurate copy of this email is attached as Exhibit A to this declaration.
- 4. There would be substantial harm or prejudice to ConnectU if the Court did not shorten the time for the hearing on the motion to stay. Facebook has made clear that, if the shares are transferred, it will seek to obtain them; this has the potential to impact, among other things, ConnectU's appeal rights and its malpractice claim against its former counsel, Quinn Emmanuel. A shortened time period is needed to address these issues and avoid any protracted period of noncompliance of the Judgment by ConnectU in an effort to preserve its appeal rights and avoid other harm.

- 5. On July 30, 2008, I left a voicemail for Monte Cooper, counsel for Facebook, and then corresponded with Mr. Cooper via email on the issue of whether Facebook would join a stipulation to shorten time. I proposed that the hearing be set for August 14; that Facebook's opposition be filed by Friday, August 8; and that ConnectU's reply be filed by Monday, August 11. Mr. Cooper represented that Facebook would not join the stipulation. An accurate copy of the email exchange is attached as Exhibit B to this declaration.
- 6. Aside from the date returnable on the motion to stay, the requested time modification would not affect any pending deadlines.
- 7. ConnectU requests that the hearing be set for August 14; that Facebook file and serve (including by email) any opposition by Friday, August 8; and that ConnectU file and serve (including by email) its reply by Monday, August 11.

I declare under penalty of perjury that the foregoing in true and correct to the best of my knowledge. Executed this 31st day of July, 2008.

Evan A. Parke

## **CERTIFICATE OF SERVICE**

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on July 31, 2008.

Dated: July 31, 2008

/s/ Evan A. Parke

Evan A. Parke